

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

XEZAKIA ROUSE,

Plaintiff,

v.

CALIFORNIA SECRETARY OF
STATE,¹

Defendant.

No. 2:21-cv-1085-JAM-KJN PS

ORDER

(ECF Nos. 2, 7)

On November 16, 2021, the magistrate judge filed findings and recommendations (ECF No. 7), which were served on the plaintiff and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. On November 29, 2021, plaintiff filed objections to the findings and recommendations (ECF No. 8), which have been considered by the court.

This court reviews de novo those portions of the proposed findings of fact to which an objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981); see also Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009). As to any portion of the proposed findings of fact to which no objection

¹ The Clerk of Court is instructed to update the caption of the case on the court's docket to reflect a change in the named defendant from Laura Beltran to the California Secretary of State.

1 has been made, the court assumes its correctness and decides the matter on the applicable law.
2 See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's
3 conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d
4 452, 454 (9th Cir. 1983).

5 The court has reviewed the applicable legal standards and, good cause appearing,
6 concludes that it is appropriate to adopt the findings and recommendations in full. Accordingly,
7 IT IS HEREBY ORDERED that:

- 8 1. The findings and recommendations (ECF No. 7) are ADOPTED IN FULL;
- 9 2. The action is DISMISSED for failure to state a claim, under 28 U.S.C. § 1915(e)(2);
- 10 3. Plaintiff's motion to proceed in forma pauperis (ECF No. 2) is DENIED as moot; and
- 11 4. The Clerk of Court is directed to CLOSE this case.

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14 Dated: December 20, 2021

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE